

REMARKS

In response to the non-final Official Action of February 6, 2009, claim 1 has been amended in a manner which is believed to particularly point out and distinctly claim the invention and to address claim objection informalities as noted by the Office. No new matter is added.

Drawings

At section 5, the Office objects to the drawings on the grounds that it appeared that Figures 3 and 4 were missing from the application file. Applicant's attorney discussed same with Examiner Evanisko during a telephone interview on March 2, 2009 at which time the Office confirmed that the drawings had been located in the application file, that the problem concerning these drawings had been corrected by the Office and that the drawing objection is no longer an issue. This section codifies the Interview Summary mailed by the Office on March 6, 2009 and is therefore in compliance with MPEP §713.04.

Specification

At section 7, the Abstract is objected to for containing phrases which can be implied, such as "The disclosure concerns", etc. Appropriate amendment has been made.

Claim Objections

At section 8, claims 1, 6, 7, and 9-12 are objected to in view of a number of informalities, including usage of the phrase "in particular...". Appropriate amendment has been made to claim 1 which addresses the informalities. It is respectfully submitted that dependent claims 6, 7, and 9-12 are in proper form in view of their ultimate dependency from amended claim 1.

Claim Rejections - 35 USC §102

At section 10, claims 1, 6, 7, and 9-12 are rejected under 35 USC §102(b) as anticipated in view of US patent 5,967,040, Korthäuer, et al (hereinafter Korthäuer). With respect to claim 1, it is asserted that Korthäuer teaches a printing device for printing sheet labels as set forth in claim 1, including the feature that the counterpressure surface forms part of the print head. The Office states at page 6, lines 2-5 that the counterpressure surface can be considered to “form” part of the print head as broadly recited since the two elements are part of a larger machine and have to be used together in Korthäuer.

In this regard, claim 1 has been amended to particularly point out and distinctly claim that the counterpressure surface not only forms part of the print head, but that it forms part of the print head so as to maintain a fixed relationship to the print head. Support for this amendment is found in the original application as filed, including Figures 2, 3, and 4 showing that the counterpressure surface identified by reference element 7 (7a,...,7f) is in all cases depicted as forming a monolithic structure with the print head identified by reference element 5 (5a,...,5f). Such an arrangement of the present invention is unlike that of the prior art, including what is shown in Figure 1, as well as Korthäuer. Figure 1 of the present application depicting the prior art makes clear a separation between the print head and the counterpressure surface. This is also pointed out in the specification as originally filed at page 2, lines 26-28 where, with respect to the present invention, it states “...as a result [that the counterpressure surface now forms part of the print head] of the rigid association between the counterpressure surface and the thermal slat of the printer...”. The thermal slat as seen by reference element 6 in Figures 2-4 is rigidly connected to the print head 5 as is illustrated in Figure 4.

Thus, the amendment of claim 1 to particularly point out and claim that the counterpressure surface forms part of the print head so as to maintain a fixed relationship to said print head is supported by the specification and drawings of the present application.

Claim 1 as amended is therefore respectfully submitted as being not anticipated by Korthäuer.

More particularly, independent claim 1 of the present invention relates to a label printer. The characterizing feature of claim 1 is that the claimed counterpressure surface forms part of the print head so as to maintain a fixed relationship to the print head.

As seen in Korthäuer (for example, Figure 1), each of the feed devices 12a, 12b, and 12c share a common print head 8. This print head comprises a thermal slat (or a thermal strip) 7 by means of which the temperature sensitive label on the carrier strip 5a, 5b, and 5c is printed. In this device, the printing process takes place in that the label is fed to the printer guided between the thermal slat 7 and the counterpressure surface (called the "support surface" in the wiping heads 6a, 6b, and 6c). The printing process takes place at the moment when the desired counterpressure surface (support surface) is in the printing position.

This design as disclosed in Korthäuer has the drawback that the counterpressure surface exerts a movement relative to the print head. This in turn leads to the effect that the association between the counterpressure surface and the thermal slat becomes inaccurate, resulting in inferior quality of the overall printing process.

As noted above, the central teaching of the present invention is to avoid the drawbacks discussed above and discloses a feature in which the counterpressure surface forms part of the print head itself so as to maintain a fixed relationship to the print head.

Due to the effect that the counterpressure surface is integrated into the printer of the present invention, no relative movement between the counterpressure surface and the print head can occur. Instead, as a result of the rigid fixation between the counterpressure surface and the thermal slat of the printer, the label is stabilized at the printing surface of the thermal slat. This design, as set forth in amended claim 1, results in a significantly simplified design, because it is now possible to do away with components that allow relative movement, such as taught by the prior art.

In view of the foregoing, it is respectfully submitted that Korthäuer does not anticipate or suggest the present invention as set forth in claim 1 since Korthäuer discloses a label printer that has relative movement between the counterpressure

surface and the printing device. It is therefore respectfully submitted that claim 1 is neither anticipated nor suggested by Korthäuer.

Dependent claims 6, 7, and 9-10 are also believed to be neither anticipated nor suggested by Korthäuer at least in view of their ultimate dependency from amended claim 1.

Furthermore, in view of section 2 of the Official Action, applicant respectfully requests reconsideration of withdrawn claims 2-5, 8, 13, and 14 since it is respectfully submitted that there now is an allowable generic claim. These dependent claims are also believed to be allowable at least in view of their ultimate dependency from amended claim 1.

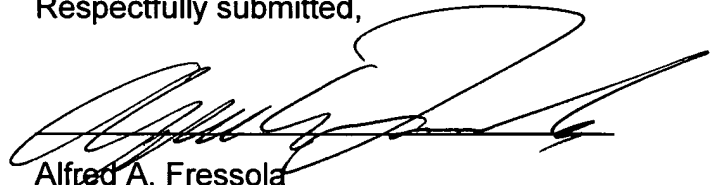
In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Amendment. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

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WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955

Respectfully submitted,



Alfred A. Fressola
Attorney for Applicant
Reg. No. 27,550